

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-HC-2263-D

TERRENCE WAYNE LYTLE,)
) MOTION TO DISMISS ON STATUTE OF
Petitioner,) LIMITATION GROUNDS AND NON-
v.) EXHAUSTION GROUNDS
) 28 U.S.C. §§ 2244(d)(1), 2254(b)(1)(A)
LAWRENCE PARSONS, Administrator,)
Lanesboro Correctional Institution,)
)
Respondent.)

For the reasons and authorities set forth in detail in the supporting memorandum, this Court should adjudicate and summarily dismiss Petitioner's entire federal habeas petition on statute of limitation grounds, and on non-exhaustion grounds. See 28 U.S.C. §§ 2244(d)(1) and 2254(b)(1)(A). Respondent moves this Court to adjudicate the statute of limitation and non-exhaustion issues first (which should end this litigation) before requiring a full answer and response to the merits of Petitioner's claims.

Respectfully submitted, this the 5th day of June, 2013.

ROY COOPER
ATTORNEY GENERAL

/s/ Clarence J. DelForge, III
Clarence J. DelForge, III
Assistant Attorney General
P.O. Box 629
Raleigh, N.C. 27602
(919) 716-6571
cdelforg@ncdoj.gov
State Bar No. 12925

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following: N/A, and I hereby certify that I have mailed the document to the following non CM/ECF participants:

Terrence Wayne Lytle
No. 0252576
Albemarle Correctional Institution
P.O. Box 460
Badin, N.C. 28009

Respectfully submitted,

ROY COOPER
ATTORNEY GENERAL

/s/ Clarence J. DelForge, III
Clarence J. DelForge, III
Assistant Attorney General
P.O. Box 629
Raleigh, N.C. 27602
Phone: (919) 716-6571
Fax: (919) 716-0001
Email: cdelforg@ncdoj.gov